

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY WAYNE PRICE, JR., aka L.J.
Price,

Defendant.

CR 18-85-BLG-DLC
CR 18-149-BLG-DLC

ORDER

Before the Court is the United States' Unopposed Motion for Approval of Stipulation for Settlement of Ancillary Claims and Application of Court Registry Proceeds from Interlocutory Sale to Restitution Owed to Victims Three Blind Mice and 90M. (Doc. 140.)¹ The Motion asks the Court to apply the \$1.7 million in Court Registry proceeds, plus any accruing interest and less any Court administrative costs, to restitution owed to the following victims: Three Blind Mice and its individual members, and 90M, subject to the Court's approval of the Stipulation for Settlement of Ancillary Claims. (*Id.* at 1-2.)

The Court entered a Preliminary Order of Forfeiture on June 10, 2019, which included, *inter alia*, three real property lots:

¹ Two docket numbers are associated with this case. Throughout this Order, the Court will refer to documents in the lead case only: CR 18-85-BLG-DLC.

- Lot 1, Block 1, of Price Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said county, under Document No. 3724345, together with all buildings, improvements, fixtures, easements, and appurtenances thereto;
- Lot 2, Block 1, of Price Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said county, under Document No. 3724345, together with all buildings, improvements, fixtures, easements, and appurtenances thereto;
- Lot 3, Block 1, of Price Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said county, under Document No. 3724345, together with all buildings, improvements, fixtures, easements, and appurtenances thereto[.]

(Doc. 60 at 2.) On July 26, 2019, the Court granted the United States' Unopposed Motion for Interlocutory Sale of these lots as well as Lot 4 of the same subdivision.

(Doc. 62.) Lot 4 is not at issue in the instant motion. (Doc. 140 at 4 n.1.) The Court's order granting the motion for interlocutory sale recognized that Lots 1–4 were titled in the name of Three Blind Mice, LLC by virtue of quit claim deeds

executed by Defendant Larry Wayne Price, Jr., and his wife in April 2018. (Doc. 62 at 2.) The order further recognized that Three Blind Mice, LLC, disputed the United States' assertion that the United States' interest in the real property vested at the time the defendant commits the crime, but the order provided that third-party claimants could, at an ancillary proceeding to address the final forfeiture for the \$1,700,000 to be deposited in the Court Registry, assert claims that they either had a vested or superior right, title, or interest in the property when the defendant committed the acts giving rise to the forfeiture, or that they are bona fide purchasers for value of the right, title, or interest in the property, and at the time of the purchase were reasonably without cause to believe the property was subject to forfeiture. (*Id.* at 3–4.)

Lots 1, 2, and 3 were sold on March 12, 2021 (*id.* at 6), and the Court approved the deposit of \$1,700,000 generated by the sale (Doc. 127.) On May 17, 2021, the United States sent by first-class mail, certified mail, and email the Notice of Preliminary Order of Forfeiture (Doc. 129) to any known third party that may assert a claim to those sale proceeds, including Mr. Price, his wife, named victims entitled to restitution in the criminal judgment, and additional persons or entities. (Doc. 141 at 2–4.) All certified mail receipt cards were executed except for notice to counsel for My Company and P&H Trucking, but counsel personally verified that his firm received a copy of the Notice by mail. (*Id.* at 4.) The Notice was also

published online from May 15, 2021 to June 13, 2021. (*Id.* at 5.) The 60-day time period to file a petition ended on July 14, 2021. (*Id.*)

On May 19, 2021, Three Blind Mice, LLC and 90M filed a Notice of Joint Petition for Remission of \$1.7 Million USDOJ Holdback. (Doc. 132.) Three Blind Mice and 90M filed a joint petition pursuant to their asset sharing agreement, in which they agreed to “share net sale proceeds 50/50 if and until satisfied.” (Doc. 132-1 at 1, 6–15.) The individual members of Three Blind Mice and 90M filed a Notice of Joinder in the Joint Petition for Remission on May 20, 2021. (Doc. 134.) Three Blind Mice and 90M are named victims in the criminal judgment, which ordered Mr. Price to pay \$10,325,000 in restitution to 90M and \$7,500,000 in restitution to Three Blind Mice’s individual members; the judgment ordered that Three Blind Mice’s restitution be apportioned to its individual members, with Stephen Casher owed \$1,250,000, Dr. Robert Schlidt owed \$1,250,000, and Dr. Raoul Joubran owed \$5,000,000. (Doc. 117 at 6–7.) No other persons or entities filed any petition or claim in the ancillary proceeding to the \$1.7 million in proceeds deposited into the Court Registry. (Doc. 141 at 5–6.)

On September 15, 2021, the United States, 90M, Three Blind Mice, and Three Blind Mice’s individual members executed a Stipulation for Settlement of Ancillary Claims and Application of Court Registry Proceeds from Interlocutory Sale to Restitution Owed to Victims Three Blind Mice and 90M. (Doc. 140-1.)

The Stipulation reflects a settlement agreement among these parties to resolve their competing claims of interest in the real property. (*Id.*) The parties agreed that, subject to Court approval, the \$1.7 million in the Court Registry from the sale of Lots 1, 2, and 3, plus any interest accrued to the date of release by the Court Registry, and less the fees deducted by the Administrative Office of the U.S. Courts pursuant to the Court's order (Doc. 126), be disbursed to the Clerk of Court to be applied (1) one-half to restitution owing to 90M, and (2) one-half to restitution owing to Three Blind Mice, LLC, to be disbursed to its individual members (17% to Stephen Casher, 17% to Dr. Robert Schlidt, and 66% to Dr. Raoul Joubran). (*Id.* at 6.)

The United States requests Court approval of the Stipulation and an order applying the \$1.7 million in the Court Registry, less administrative costs and plus interest, to restitution owed to the individual members of Three Blind Mice and 90M. (Doc. 140 at 9.) Mr. Price, Amy Price, and Three Blind Mice and 90M and the individual members do not object to the motion. (*Id.* at 9–10.) Counsel for My Company and P&H Trucking asserted no claim to the proceeds. (*Id.* at 10.) No other persons or entities filed a claim to the \$1.7 million. (*Id.*)

Accordingly, IT IS ORDERED that the Motion (Doc. 140) is GRANTED. The Stipulation (Doc. 140-1) is approved.

IT IS FURTHER ORDERED that the United States shall file a motion to approve the specific amount of funds to be distributed and/or credited to the individual members of Three Blind Mice (Stephen Casher, Dr. Robert Schlidt, and Dr. Raoul Joubran) and 90M, after obtaining the exact funds available for distribution and taking into account interest and costs. The United States shall also submit such motion to the Clerk of Court for review prior to filing.

DATED this 2nd day of November, 2021.



Dana L. Christensen, District Judge
United States District Court